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Message Text

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12
ACTION EUR-12

INFO OCT-01 AF-06 ISO-00 CIAE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

SAM-01 OMB-01 /066 W
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FM AMEMBASSY LISBON
TO SECSTATE WASHDC 1449
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMCONSUL LOURENCO MARQUES
AMCONSUL LUANDA
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION NATO
DIA WASHDC
USCINCEUR VAIHINGEN GER
AMCONSUL OPORTO
AMCONSUL PONTA DELGADA

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EO 11652: N/A
TAGS: PINT, PGOV, PO
SUBJ: FINAL "PLATFORM OF UNDERSTANDING" PRESENTED

REF: LISBON 1952

SUMMARY: COMPARISON OF THE FINAL VERSION OF THE PLATFORM OF UNDERSTANDING WITH THE ORIGINAL SHOWS THAT ONLY MINOR CHANGES RESULTED FROM AFM-PARTY DIALOGUE ON THE SHAPE OF THE NEW CONSTITUTION. THE PLATFORM, EXPECTED TO BE SIGNED APRIL 11 BY SEVEN PARTIES, REFLECTS THE FACT THAT THE AFM CONTROLS POWER IN PORTUGAL. DEMOCRATIC PARTIES DID NOT FIGHT ON THIS ISSUE AS THEY DID NOT WANT TO JEOPARDIZE THEIR CHANCES TO PARTICIPATE IN THE ELECTIONS. END SUMMARY.
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1. ON APRIL 9 THE REVOLUTIONARY COUNCIL (RC) PRESENTED THE PCP, MDP/CDE, PS, PPD, PPM, CDS, AND FSP WITH THE FINAL VERSION OF THE PLATFORM OF UNDERSTANDING FOR THEIR APPROVAL. THE FINAL VERSION ONLY SLIGHTLY CHANGES THE ORIGINAL. THE SEVEN PARTIES ABOVE-MENTIONED HAVE UNTIL 5:00 P.M. LOCAL ON APRIL 10 TO ACCEPT THE FINAL PLATFORM. A FORMAL SIGNING CEREMONY IS SCHEDULED FOR APRIL 11.

2. A COMPARISON OF THE ORIGINAL DRAFT (REFTEL) WITH THE FINAL PRODUCT SHOWS THAT THE AFM-PARTY CONVERSATION DID NOT RESULT IN MANY SIGNIFICANT CHANGES IN THE PLATFORM. THE FEW CHANGES MADE IN THE ORIGINAL ARE NOTED BELOW.
(A) PLATFORM OBJECTIVES:
THE FIRST DRAFT STATED THAT THE PACT WOULD MAKE POSSIBLE THE CONTINUATION OF THE SOCIAL AND ECONOMIC REVOLUTION OF APRIL 25, 1974. THE FINAL VERSION ALTERS THE ORIGINAL TO READ "POLITICAL, ECONOMIC, AND SOCIAL REVOLUTION..."
(B) CONSTITUENT ASSEMBLY ELECTIONS:
THE ORIGINAL DRAFT CALLED FOR THE CREATION OF A "MIXED CONSTITUTIONAL COMMISSION" COMPOSED OF THE AFM AND THE PARTIES SIGNING THE ACCORD TO OVERSEE THE WORK OF THE ASSEMBLY.
THE FINAL VERSION CREATES AN AFM COMMISSION WHICH, IN COLLABORATION WITH THE PARTIES SIGNING THE ACCORD, "WILL FACILITATE COOPERATION AMONG THE PARTIES AND GUIDE THE WORK IN ACCORD WITH THE AFM PROGRAM AND THE PRESENT ACCORD."
THE FINAL VERSION, AS IN THE ORIGINAL, STATES THAT THE PROVISIONAL GOVERNMENT DOES NOT HAVE TO REFLECT THE PARTY REPRESENTATION IN THE CONSTITUENT ASSEMBLY. HOWEVER, A CHANGE WAS INTRODUCED MAKING CRYSTAL CLEAR THAT THE CONSTITUENT ASSEMBLY HAS NO OTHER FUNCTION THAN THAT OF WRITING AND APPROVING THE CONSTITUTION.
C) SOVEREIGN ORGANS OF GOVERNMENT
IN THE HIERARCHY OF SOVEREIGN ORGANS, THE AFM ASSEMBLY AND THE LEGISLATIVE ASSEMBLY ARE MOVED AHEAR OF THE CABINET, WHICH IS RELEGATED TO NEXT TO LAST PALCE.
D) POWERS OF THE ORGANS OF GOVERNMENT:
1) PRESIDENTIAL POWERS:
UNDER THE NEW ACCORD, IF THE PRESIDENT OF THE REPUBLIC DISSOLVES THE LEGISLATIVE ASSEMBLY, NEW ELECTIONS MUST BE HELD WITHIN 90 DAYS.
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IN THE PRELIMINARY DRAFT, IN CASE THE PRESIDENT WERE TO DIE OR BE INCAPACITATED, THE NEW PRESIDENT WOULD BE CHOSEN BY THE RC FROM AMONG ITS MEMBERS. THE FINAL ACCORD STATES THAT THE NEW PRESIDENT NEED NOT BE FROM THE REVOLUTIONARY COUNCIL.
2) POWERS OF REVOLUTIONARY COUNCIL:
WHILE THE RC HAS FINAL POWER TO DECIDE ON THE CONSTITUTIONALITY OF LAWS, A CHANGE WAS INTRODUCED GIVING THE COURTS THE RIGHT TO PASS ON THE CONSTITUTIONALITY OF LAWS AS WELL.

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3) GOVERNMENT:
IN THE PRELIMINARY VERSION THE PRESIDENT WOULD CHOOSE THE PRIME MINISTER AFTER CONSULTING THE RC. THE DEFINITIVE ACCORD SAYS THAT THE PRESIDENT SHOULD ALSO CONSULT WITH "POLITICAL FORCES, AND WITH THOSE PARTIES WITH WHOM HE WISHES" PRIOR TO SELECTING THE PRIME MINISTER.
4) LEGISLATIVE ASSEMBLY:
THE ORIGINAL DRAFT DID NOT MENTION THE POWERS OF THE LEGISLATURE REGARDING A STATE OF SIEGE. IN THE FINAL, THE LEGISLATIVE ASSEMBLY MUST APPROVE A STATE OF SIEGE IF IT IS TO CONTINUE FOR MORE THAN 30 DAYS.
THE FINAL VERSION MAKES IT SOMEWHAT EASIER FOR THE LEGISLATURE TO APPROVE LEGISLATION WHICH HAS NOT PREVIOUSLY RECEIVED APPROVAL OF THE RC. TWO-THIRDS, AND NOT THREE-QUARTERS OF ALL DEPUTIES MUST APPROVE THE LEGISLATIVE BILL IF IT IS TO BE PASSED WITHOUT RC APPROVAL.

3. COMMENT:
JUDGING FROM THE FEW CHANGES MADE IN THE ORIGINAL VERSION OF THE ACCORD, THE RC, ALTHOUGH LISTENING TO THE PARTIES' SUGGESTIONS, WAS FIRM IN ITS DETERMINATION TO CHANGE NOTHING SIGNIFICANT IN ITS CONSTITUTION. THE ABILITY OF THE RC TO JAM THROUGH THE DRAFT CONSTITUTION MAKES CLEAR WHO HOLDS POWER IN PORTUGAL TODAY. NEVERTHELESS, THE DEMOCRATIC PARTIES HAVE ACQUIESCED IN THE AFM PROPOSAL BECAUSE THEY SEE THE ELECTIONS AS THEIR ONLY CHANCE AT SECURING A POWER BASE THAT WILL ENABLE THEM TO POSE THEIR LEGITIMACY AS DERIVED FROM THE VOTE AGAINST THE CLAIMED "REVOLUTIONARY LEGITIMACY" OF THE AFM. THE PS, PPD, AND CDS WERE UNWILLING TO ENDANGER THEIR RIGHT TO PARTICIPATE IN THE ELECTIONS BY FIGHTING TOO HARD FOR CAUSE ALREADY LOST.
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Disposition Comment: 25 YEAR REVIEW
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